

REMARKS

Claims 1-25 are pending in this application.

In the Office Action, the Examiner rejected claims 1-5, 9-15 and 19-22 under 35 U.S.C. Section 102(b) as being anticipated by Sakaida (US Patent No. 6174051). Applicant respectfully traverses the rejection.

The present invention generally has been discussed in detail in Applicant's previous response dated June 23, 2005.

The Examiner asserted that elements 37 and 38 (see FIGS. 4 and 5) of Sakaida equate to "common electrodes" and elements 36 equate to "drive electrodes" as recited in claim 1. The Examiner then further asserted that the common electrodes 37, 38 and drive electrodes 36 are arranged in alternation with respect to the stacked direction. Applicant respectfully disagrees.

As can be clearly seen in FIG. 4, the drive electrodes 36 are stacked in the thickness direction and the "common electrodes" 37, 38 are also stacked in the thickness direction. The drive electrodes 36 are at the same horizontal plane as the common electrodes 37. Accordingly, the drive electrodes and common electrodes cannot be stacked "in alternation" with each other in the stacked direction as recited in claim 1. Assuming that the Examiner's concern is with the phrase "stacked direction", Applicant has amended the phrase to "thickness direction" in all relevant claims to make it clear that the drive and common electrodes are alternately stacked in the vertical/thickness direction. This amendment is being made merely to clarify the stacked direction of the electrodes and not to limit the claim scope in any way.

The Examiner also asserted that Sakaida discloses "projected contours of all the drive electrodes fall[ing] within a projected contour of one of the common electrodes disposed closest to the cavity unit with respect to the stacked direction". The Examiner conceded that FIGS. 4 and 5 do not explicitly show projected contours and referred to col. 8, line 65 to col. 9, line 11 as support without any explanation as to how that section relates to projected contours of electrodes. Applicant respectfully disagrees with the Examiner. That section of Sakaida merely states that the lowest piezoelectric layer 40 covers each open ink pressure chambers. It does not, however, discuss any relationship of common electrodes to drive electrodes. In fact, it does not even discuss electrodes at all. Applicant respectfully requests

the Examiner to explain in detail how that section of Sakaida relates to contours of electrodes. Applicant submits that Sakaida fails to teach the recited feature "wherein projected contours of all the drive electrodes fall within a projected contour of one of the common electrodes disposed closest to the cavity unit with respect to the stacked direction".

For these reasons, Applicant submits that Sakaida fails to teach or suggest the novel combination as claimed in claim 1.

Applicant submits that dependent claims 2-5, 9-15 and 19-22 are also patentable by virtue of their dependency from independent claim 1.

The Examiner rejected remaining claims 6-8 and 18 under 35 U.S.C. Section 103(a) as being obvious over Sakaida in view of Shimada (US Patent No. 6378996). Further, the Examiner rejected claim 16 under 35 U.S.C. Section 103(a) as being obvious over Sakaida in view of Moynihan (US Patent No. 5605659). The Examiner also rejected claim 17 under 35 U.S.C. Section 103(a) as being obvious over Sakaida in view of Utsumi (US Patent No. 4766671). Applicant respectfully submits that claims 6-8 and 16-18 are patentable by virtue of their dependency from independent claim 1.

Based upon the above amendments and remarks, Applicant respectfully requests reconsideration of this application and its earlier allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,

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